

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANJAY BHATNAGAR,
Plaintiff,
v.
THE PRESIDIO TRUST,
Defendant.

Case No. [14-cv-00327-MEJ](#)

SECOND ORDER TO SHOW CAUSE

Plaintiff Sanjay Bhatnagar filed this action on January 22, 2014, alleging a personal injury claim under 28 U.S.C. § 2671, the Federal Tort Claims Act, against the Presidio Trust, a government agency. Compl., Dkt. No. 1. He also filed an application to proceed in forma pauperis. Dkt. No. 3. On February 11, 2014, the Court granted Plaintiff's in forma pauperis application, but dismissed the Complaint with leave to amend, finding: (1) it was not clear from the Complaint whether he filed within the applicable statute of limitations period; (2) there was no indication that he exhausted his administrative remedies; and (3) the Complaint failed to state a claim upon which relief can be granted because Plaintiff alleged only that Defendant failed to either maintain safe premises or to warn of hazards on the property, which cannot support liability under the Act. *Order* at 4-5, Dkt. No. 8. The Court directed Plaintiff to file any amended complaint by March 12, 2014, and directed the Clerk of Court to close the file in this case if an amended complaint was not filed by that deadline. *Id.* at 7.

Subsequently, on March 19, 2014, the Court granted Plaintiff's Motion to Stay the filing deadline for a period during which he would be out of the country attending to family matters. Dkt. Nos. 11, 12. As the stay ended on June 1 and no amended complaint had been filed, the Court ordered Plaintiff to file a status report by June 19, 2014. Dkt. No. 13. Plaintiff failed to

1 respond, and the Court ordered him to show cause why this case should not be dismissed for
2 failure to prosecute and failure to comply with court deadlines. Dkt. No. 14. Plaintiff filed a
3 responsive declaration on June 30, 2014, stating that he had to leave the country again and
4 requesting additional time to file an amended complaint. Dkt. No. 16. The Court discharged the
5 Order to Show Cause and ordered Plaintiff to file his amended complaint by August 29, 2014.
6 Dkt. No. 15. Plaintiff has again failed to respond.

7 Based on this procedural history, the Court hereby ORDERS Plaintiff Sanjay Bhatnagar to
8 show cause why this case should not be dismissed for failure to prosecute and his repeated failure
9 to comply with court deadlines. Plaintiff shall file a declaration by September 17, 2014. As
10 Plaintiff has had multiple opportunities to file an amended complaint, notice is hereby provided to
11 Plaintiff that the Court shall close this case if no responsive declaration is filed. Thus, it is
12 imperative that Plaintiff file a written response by the deadline above.

13 **IT IS SO ORDERED.**

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15 Dated: September 3, 2014

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19 MARIA-ELENA JAMES
20 United States Magistrate Judge
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